

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 PETER B. AXELROD (CSBN 190843)
LAUREL BEELER (CSBN 187656)
5 Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
7 Telephone: (415) 436-6774
Facsimile: (415) 436-7234

8 Attorneys for Plaintiff

9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13

14 UNITED STATES OF AMERICA,) No. CR 05-00395 CRB
15 Plaintiff,) REQUEST, STIPULATION AND ORDER
16 v.)
17 SEYUN KIM,)
18 Defendant.)

19 This matter is currently on the Court's calendar for June 7, 2006. Through counsel,
20 defendant Seyun Kim and the United States ask the Court to (a) vacate the June 7, 2006 date
21 based on the defendant's anticipated change-of-plea, (b) set a date of June 14, 2006 for change-
22 of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to
23 June 14, 2006.

- 24 1. The parties are finalizing the defendant's plea agreement and request that the Court set the
25 matter for June 14, 2006, for change-of-plea.
26 2. Defense counsel needs time to review the plea materials with the defendant prior to the
27 entry of plea on June 14, 2006.
28

ORDER
CR 05-00395 CRB

3. The parties agree that the time between June 7, 2006 and June 14, 2006 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel needs time to review the plea agreement with the defendant. This requires a short amount of time to address, and so the parties agree that a continuance is necessary for the effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to June 14, 2006 outweigh the interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

STIPULATED:

June 2, 2006 /S/ PETER B. AXELROD
DATE PETER B. AXELROD
LAUREL BEELER
Assistant United States Attorneys

June 2, 2006 /S/ ELIZABETH FALK
DATE ELIZABETH FALK
Attorney for Seyun Kim

ORDER

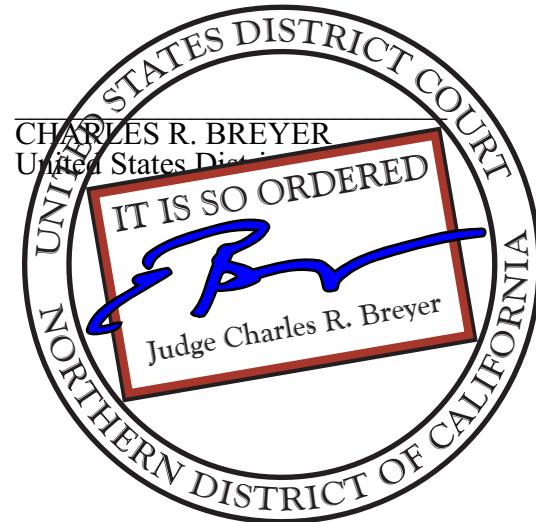
For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7, 2006, hearing date for defendant Seyun Kim based on the anticipated change-of-plea, (b) sets the matter for change-of-plea on June 14, 2006, at 2:15 p.m., and (c) excludes times under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to June 14, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under

ORDER
CR 05-00395 CRB

18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: June 2, 2006



**ORDER
CR 05-00395 CRB**